

THE

REHEARSAL.

1. The *Observer* tempts me to stay longer with him. He will not let me go to Mr. *Hoadly* yet. But 'tis all one.
2. He Complains to the *Publick* of me, for not *Answering* his *Argument* to Prove that the two *Houses* of *Parliament* are *Co-ordinate* with the *King* in making of *Laws*.
3. All which I *Answer'd* long ago in the *Sluce* and the *Mill*. It is further shew'd, That they cannot be *Co-ordinate*.
4. The *Observer's* Interpretation of, *The King can do no Wrong*, Proves directly against it. *Bracton's* Interpretation of it.
5. There's no *Law* in *England* before the *King*.
6. Nor in the *World*. Which the *Review* has Own'd.
7. A new *Argument* just now sent to the *Observer* in a *Letter*, that the *Laws* against *Co-ercion* are *Repeal'd*, which I particularly *Answer'd* in mine of the 10th of *March* last.
8. The *Statute* 12 *Car.* 2. c. 30. which above all others the *Coercion-men* wou'd have to be *Repeal'd*, is now own'd as *Law* in *Westminster-Hall*, by *Queen* and *Parliament* and the whole *Nation*. And Read by the *Clergy* in our *Churches*, even since the *Revolution*.

SATURDAY, October 9. 1708.

(1.) Country-man.

LET me beg your *Patience, Master*, to say a Word or two more to the *Observer* we were last upon, *Num.* 57. for tho' I know you are Tyr'd of him, and you were saying you Intended to go to something else. Yet it may be of use to Clear every thing he says, before you leave him.

Rehearsal. I comply with you the more Willingly, *Country-man*, because *Answering* one *Whigg* is *Answering* them all. For they have all but one *Note*, like the *Spring Bird*. I had some *Business* with Mr. *Hoadly*, to whom I promis'd to Return soon, but have been thus long Detain'd by Mr. *Observer*, who is such Excellent Company, it is hard to get from him! And yet I have not been far from Mr. *Hoadly* all this while. For Mr. *Hoadly*, or Mr. *Observer* (upon this *Argument*) are much at one.

(2.) *Country-m.* Then, *Master*, this same *Observer*, N. 57. Complains Grievously of you, and Appeals to the *Publick* against you, that you will not *Answer* him. He says, I hope the *Publick* will Excuse me to put them in Mind (for I doubt not the *Rehearsal* wou'd willingly have it forgotten) That on Saturday the 17 of *August* last, I fully Prov'd against him, that our *Lords* and *Commons* have a Joint Authority with our *Kings* in making of *Laws*; and that without their Concurrence, our

Princes can make none of themselves. To which I have Receiv'd no *Answer*.

(3.) *Rehears.* He means since he Wrote it. But it was fully *Answer'd* before. Has he forgot the *Sluce* and the *Mill*? It is in Mine of the 12 *June* last; And I'll still Refer it to any *Miller* in *England*, whether it is the *Sluce* or the *Water* that makes the *Mill* to go? And I will leave it to the *Publick* to Judge, whether every Tittle of what the *Observer* said afterwards, is not there *Answer'd* or *Obviated* beforehand? For I know what they have to say, and they can *Answer* no otherwise than as I have Chalk'd out for them. And they never *Answer* a word to me (the *Observer* has not) only puts the *Objection* over again— And then Complains for want of an *Answer*! Come Mr. *Observer*, have you said any thing to my *Sluce* and my *Mill*? Tell me. I gave you an *Argument* might be Felt, you may See it with your *Eyes*. Do's the *Sluce* turn the *Mill*, tho' it lets the *Water* go that do's Turn it? And tho' the *Sluce* and the *Water* are Joint in this, yet they are not *Co-Ordinate*. As I say the two *Houses* of *Parliament* are not with the *King* in making of *Laws*, tho' they go Jointly together. But they Cannot be *Co-Ordinate*, because Whatever Authority the *Parliament* has is Deriv'd wholly and solely from the *Crown*. And the Power that is Deriv'd can never be upon the Level with That

that from which it is *Deriv'd*. Both Houses of Parliament call the King their Sovereign Lord, and stile Themselves his Most Dutiful and Obedient Subjects and Servants, and Swear Allegiance to Him. Do's he Swear Allegiance to Them? Is Sovereign and Subjects, Master and Servants the Stile of Co-Ordinate Powers? Mr. *Observer*, I shall Complain to the Publick if you do not Answer this.

(4.) *Country-m.* He has Answer'd it already, for in the same *Observer*, he says, *Our Kings have no Power but what the Law gives them; and therefore it is Justly said, they can do no Wrong.*

Rehears. Justly said! No, Mr. *Observer*, it is most Unjustly said, as you mean it, and the Consequence turns Directly against the Sense you put upon this. For if the King has no Power but what the Law gives him, Therefore he may do Wrong, and is Accountable to the Law. But if the King derive his Authority from God alone (as our Laws speak, which I have Quoted) that Maxim of our Law, That the King can do no Wrong, Means only, That he is not Accountable to us for any Wrong he do's. And is of the same Import with that of Eccles. viii. 4. *Where the Word of a King is, there is Power: and who may Say unto him, What doest thou?* That is, he has no Controuler upon Earth. The Case is put Directly by *Bracton* (as I have Quoted him before) That the King do's do Wrong, and will not Amend that Wrong, for all the Supplications and Remonstrances can be made to him: And even in that Case his Determination is, *Sufficit ei pro Pœna, &c.* That it is Sufficient Punishment to him, that he is to Expect God to be an Avenger, for he has no Superior upon Earth. This was his Notion of that Maxim, That the King can do no Wrong.

(5.) *Country-m.* But what say you to the first part of the Assertion, that *Our Kings have no Power, but what the Law gives them?*

Rehears. What Law does he mean? If he means the Law of God, I agree with him: But if he means the Municipal Laws of England, I desire him to shew me those Laws. The first in our Statute-Book is *Magna Charta*. Which is Nothing but a Charter from the King. But being Confirm'd by several Acts of Parliament afterwards, it passes as a Law. And I wish it were observ'd. But this Charter did not make the King, for the King made it; and that of his own meer Will and Pleasure, as the Charter Speaks.

(6.) Then if you go higher, to the Original of Laws and Parliaments in the World, I desire to know that Parliament, which made the first King in the World, and in whose Name, and by what Authority that Parliament was call'd? This is a Question I have often Ask'd the *Observer* your Predecessor, but could never have an Answer. Should not I complain to the Publick of this? The Review indeed fairly own'd it was not to be Answer'd. And that all the Schemes built upon it would not hold Water. And therefore gave them all up. Tho' like a true Whigg, he Sticks to all the Consequences of them

Still! For a Whigg, tho' he gives Ground, is not to be Conquer'd!

(7.) *Country-m.* But, Master, there is just now come to me by the Post, the *Observer* of the 8. last Month, Num. 59. Wherein are two Brave Letters sent to him, for which he is very Joyful, and Prays the Authors to Continue to Help him against the *Rehearsal*. Have you Answer'd these Beforehand too? Let me put them to you. One is, I Suppose, from some young Whigg-Lawyer, who shrewdly observes, That the Declaration in the Act of Uniformity requir'd to be Subscrib'd by the several Persons therein Specify'd, Of its not being Lawfull on any Pretence to take Arms against the King, &c. is Repeal'd by the Act 1 Will. and Mary. And then he leaves it to the Consideration of the *Observer*, Whether all other Acts against Coercion, are not hereby virtually Repeal'd, tho' not particularly Repeated?

Rehears. I have Answer'd this beforehand too. As you will see Vol. 2. N. 44. Where after setting down several Acts of Parliament against Coercion, I foresaw this Objection. And the *Observer* or his Letter-Writer (if they pretend to Answer me) should have said something to that easy Solution I there give, before they had Trumpet up this Objection again. But this is their way. and I cannot help it. But I can ease the Reader from the tediousness of Repetitions. I dare not make so bold as the *Observer*. I want not matter to make out a Paper.

(8.) *Country-m.* Then let me come in for a Stroke Master.

In Easter Term of the 2d year of her present Majesty's Reign, one Taylor a Tinner in Southwark was Find 40 Mark, and Sentenced to stand twice in the Pillory, for the following Words, King Char. I. was well Serv'd in having his Head cut off, and 'tis Pity his two Sons K. Char. II. and K. Jam. II. were not Serv'd too. After the Case was fairly Argu'd, between the Council for the Queen and that for the Defendant; my Ld. C. J. Holt declar'd, that tho' the Words were spoke of Dead Kings, yet this Doctrin affected the Living, and doth not this, said he, Justify that horrid Tenet of Murdering of Kings? He then order'd that Statute of 12 Car. II. to be Read, whereby the 30th of January is made a perpetual Fast, &c. From whence he Infer'd that the Principles which Prompted the Defendant to speak these Words are Condemn'd by that Statute. These Principles (said another Judge upon the Bench) have overturn'd one Government already, and ther are now a set of People, whose Doctrin it is, that ther is a Power above the King, and Drink a Health to our Sovereign Lord the People.

All this (and more) a Friend of mine took down in his Pocket-Book. But the *Observer* has Excepted against Westminster-Hall! Well then, he must except against Queen and Parliament too! For why do they keep the 30th of January, if the Statute which Enjoyns it be Repeal'd? (As the *Observer* is Labouring to Prove!) Why wou'd the Clergy read it in our Churches?